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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
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Item 4 of the provisional agenda*
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the combined seventh and eighth periodic reports of Yemen

General context

1. The State party has been facing challenging times marked by political, economic, security and social instability since the outbreak of localized conflicts between the Government and anti-Government groups that culminated, in September 2014, in the dissolution of Parliament by the rebel groups and the relocation of the Government to Aden in February 2015. Beforehand, a transitional agreement had been arrived at as part of the National Dialogue Conference and was intended to result, eventually, in a new constitution and parliamentary and presidential elections. Please provide information on efforts undertaken to restore normalcy and resume the transitional process. Please indicate whether the State party envisages adopting or has adopted any strategy to tackle the impact of the breakdown of the peace process on the lives of women and girls.

Transitional peace process

2. Please provide information on measures taken or envisaged to maintain and increase the participation of women in the peace process. Please indicate how the State party is guaranteeing the participation of women in political and economic processes and transitional justice, in conformity with Security Council resolutions 1325 (2000) and, most recently, 2204 (2015), as well as other relevant resolutions, such as 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013) and 2122 (2013). Please also indicate steps taken to adopt a national action plan to implement resolution 1325 (2000) and other subsequent resolutions on women and peace and security.

* CEDAW/C/62/1.

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Constitutional framework

3. According to information received by the Committee, a first draft of a new constitution released on 3 January 2015 following the 10-month National Dialogue Conference is marked by notable progress regarding the advancement of women's rights, in particular because it guarantees equal opportunities and rights to all citizens in the political, economic and social spheres and includes sex as a prohibited ground of discrimination. Please provide further information on its content and status and indicate whether a timetable has been established for its adoption. Please also provide information on any steps taken to review any ambiguous language that may leave room for regressive interpretation and to ensure the superiority of the Constitution over sharia. Please also indicate whether the draft defines and prohibits all forms of discrimination on the grounds of sex and gender, including direct and indirect discrimination, and covers acts of both public and private actors, in line with article 1 of the Convention.

Access to justice

4. According to information received by the Committee, most women in prison are serving sentences pertaining to prostitution, adultery, alcoholism or unlawful or indecent behaviour in a private or public setting, or for violating restrictions of movement imposed by family traditions and national laws. Please provide information on how the State party ensures that women have effective access to justice and upholds their right to a fair trial. Please indicate measures to ensure that women have access to legal aid and legal representation in court proceedings. Please provide updated data, disaggregated by age, on the number of women in pretrial detention and detention. Please indicate the grounds for the detention of those women and clarify whether any of them have been executed or sentenced to death. Please provide information on the number and condition of women's detention facilities in the State party and indicate whether they are in line with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).

National machinery for the advancement of women

5. Please indicate whether the Women's National Committee mentioned in the combined reports of the State party (CEDAW/C/YEM/7-8, p. 3)[1] is still operational and, if it is, please provide information on its mandate, authority, visibility and human, technical and financial resources. Please indicate coordination mechanisms in place so that women's organizations are involved in the planning, implementation and evaluation of gender policies and programmes. Please provide information on steps taken to establish a national human rights institution in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

Temporary special measures

6. Please indicate whether the proposed amendment to Law No. 66 of 1991 on Political Parties and Organizations, which stipulated that at least 15 per cent of nominees must be women, is being considered for adoption and, if it is, provide

[1] Unless otherwise indicated, page numbers refer to the combined seventh and eighth periodic reports of Yemen.

information on its status. Please provide information on any other temporary special measures envisaged to accelerate de facto equality between men and women in all areas covered by the Convention, in particular education, employment and the participation of women in political and public life.

Stereotypes and harmful practices

7. It is mentioned that the National Strategy for the Development of Women (2006-2015) includes a media strategy to change stereotypes of women (p. 14). Please indicate whether it can still be implemented and, if it can, provide information on its content and the results achieved to date. Please also provide detailed information on measures taken to eliminate discriminatory social and cultural patterns and pervasive patriarchal attitudes regarding the roles and responsibilities of women and men in the family and in society so as to achieve de facto equality in all spheres of life.

8. According to the State party, the adoption of Decree No. 1/3 of 2003 prohibiting the practice of female genital mutilation by employees in government health centres and facilities and the development of a national plan for the elimination of female genital mutilation in 2008 notwithstanding, the practice remains widespread in various governorates (19 per cent nationwide) (pp. 65-66). Moreover, information received by the Committee indicates that an amendment to the Personal Status Law of 1992 repealed the minimum age of marriage for girls, which was previously set at 15 years, allowing a girl under that age to marry with the consent of her guardian (some 10 per cent of girls under 15 years of age are affected by the practice). Please provide information on measures taken to eliminate female genital mutilation and child and forced marriage, including through the development and implementation of prevention outreach programmes in affected areas, and the adoption of a bill on child rights that criminalizes such practices. Please indicate whether a timetable has been established for its adoption. Please also provide information on measures taken to ensure that child brides who wish to end their marriages are supported and not forced to return their dowries.

Violence against women and trafficking

9. Information received by the Committee indicates that gender-based violence has escalated as a result of the conflict, especially among internally displaced persons, refugees, asylum seekers and migrant women and girls affected by the conflict. Please provide information on measures taken and mechanisms in place to enforce the rule of law throughout the State party and to protect women and girls from all forms of violence and trafficking. Please indicate measures taken or envisaged to provide immediate means of protection, including shelters, and redress and ensure that perpetrators are prosecuted and punished adequately. Please provide information on measures taken to establish clear procedures for filing complaints of violence against women and trafficking and establish sections in police stations to process and investigate such complaints.

Participation in political and public life

10. The combined reports reflect the very low level of representation of women in decision-making positions in all spheres of public life, including in the executive, legislative and judicial branches of the Government, public administration, the

foreign service and academic institutions (pp. 20-27). Please provide information on measures taken or envisaged to increase the representation of women at all levels and in all spheres of public life, including in the current peacemaking negotiations among the political factions, by introducing temporary special measures and establishing quotas, undertaking awareness-raising campaigns and supporting independent, non-partisan programmes to assist female candidates for elected office and governmental positions.

Nationality

11. Mention is made of the adoption of Law No. 25 of 2010 to amend Law No. 6 of 1990 on Yemeni Nationality. Article 3 of that legislation purports to grant Yemeni nationality to any child of a Yemeni mother or father married to a foreigner (p. 31). Please provide information on the measures contemplated to amend article 11 of Law No. 6 of 1990 (as amended in 2010) with a view to ensuring that Yemeni women enjoy rights equal to those of Yemeni men when it comes to transmitting their nationality to a foreign spouse. Please also indicate whether steps have been taken to raise the awareness of public officials, including members of the judiciary at the national and local levels, in addition to the public at large, in particular in rural areas, regarding the provisions of Law No. 25 of 2010 in order to ensure its effective implementation. Please indicate measures taken to repeal the customary practice that requires women to have the authorization of their male guardian (usually their husband or father) to obtain an identity card or passport.

Education

12. The combined reports show the persistence of major gender gaps in the enrolment rate at all levels of education and in the illiteracy rate, in particular in rural areas (pp. 34-35), and that girls and adolescents, including those living in conflict-affected areas, are dropping out of primary and secondary school at a high rate (p. 45). The dire security situation, including the military use of schools in the State party, is further hampering access to education. Please provide information on measures foreseen to mitigate the disproportionately negative effects of the situation on the attendance of girls, including measures to prohibit the occupation and use of schools and universities by security forces and non-State armed groups. In view of the current situation, please provide information on plans envisaged to provide mobile educational toolkits for displaced students, in particular girls.

Employment

13. Please provide information on steps taken to promote the principle of equal remuneration for men and women and ensure that the principle applies to all workers, including domestic workers, agricultural workers and casual workers. According to information received by the Committee, the unemployment rate for women was 41 per cent in 2013, compared with 12 per cent for men. Please indicate measures taken to increase the share of women in the formal workforce in the public and private sectors. Please also indicate what measures have been taken to tackle child labour, bearing in mind that considerably more girls than boys have fallen victim to the practice.

Health

14. According to information received by the Committee, maternal and infant mortality rates remain very high in the State party and are exacerbated by early marriage, high fertility rates and limited access to high-quality prenatal and postnatal care and skilled attendance at delivery. Please provide information on measures taken or envisaged to increase and improve access to adequate and affordable health-care services, including sexual and reproductive care for all girls and women, especially those living in rural and conflict-affected areas. Please also indicate whether steps have been taken or are envisaged to raise awareness of and improve access to and the availability of modern family planning methods, especially by improving access to contraception and providing age-appropriate sexual and reproductive health education, in order to prevent unwanted pregnancies and the spread of sexually transmitted diseases. Please also indicate steps taken to ensure that all health-care workers are aware that government policy does not require husbands to authorize wives to seek health care, including obstetric care, regardless of the age of the spouse.

15. The State party acknowledges that, the development and implementation of various plans, policies, strategies and laws in recent years notwithstanding, the incidence of HIV/AIDS continues to grow, with women accounting for 35 per cent of the affected population (pp. 62-63). Moreover, according to information received by the Committee, women living with HIV continue to be subjected to violations of their rights, stigma and discrimination, in particular in gaining access to health-care services. Please provide information on measures contemplated to scale up the availability of HIV/AIDS prevention, identification and treatment services, especially for rural women and women living in conflict-affected areas.

Rural women

16. Please provide updated information on the situation of rural women, especially those living in conflict-affected areas. Please also provide information on measures taken to ensure that women and girls have access to basic services such as education and health care. Please provide information on the results of activities undertaken to increase employment opportunities among rural women and to improve their level of literacy in order to enhance their access to paid employment. Please also indicate what measures have been taken to ensure and protect the critical contribution of rural women to food security and to provide them with opportunities to engage in entrepreneurial activities.

Disadvantaged groups of women

17. Please provide detailed information about the impact of the conflict on the protection and humanitarian situation of refugees, asylum seekers and internally displaced and migrant women and girls, in particular those located in conflict-affected areas. Please provide information on measures taken to alleviate their suffering. Please also provide updated data on the asylum-seeking, refugee, internally displaced and migrant population disaggregated by sex, age and ethnicity. Please indicate whether measures have been taken to strengthen gender-sensitive screening and referral processes at border points to prevent women and girls from being subjected to torture, rape and sexual and gender-based exploitation by traffickers upon arrival in the State party.

Marriage and family relations

18. Please indicate whether steps have been taken or are envisaged to ensure equal rights between women and men as regards marriage, divorce, testimony, property, child custody and inheritance.